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REMARKS

Applicants, by the amendments presented above and the arguments presented below, have made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance. Claims 1-8, 10, 12-17 and 19-27 are currently pending. Claims 9, 11 and 18 have been cancelled. Claims 25-27 are newly added.

Oath/Declaration

The Examiner noted that the Declaration was defective because it identified a different title than that of the present application. Applicants have thus executed a revised Declaration which identifies the title of the present application. The original of the revised Declaration is enclosed herewith.

Specification

The Examiner objected to the “Abstract of the Disclosure” because of the implied phrase “is provided”. Applicants have amended the “Abstract of the Disclosure” to remove the implied phrase “is provided”. A clean replacement “Abstract of the Disclosure” is attached hereto on a separate sheet.

The Examiner objected to the “Brief Description of the Drawings” because Figure 6 (first embodiment) cannot be described as a view taken along line 12-12 of Figure 9 (second embodiment). Thus, Applicants have amended the “Brief Description of the Drawings” to state that Figure 6 is a view taken along line 6-6 of Figure 3.

Drawings

The Examiner objected to the drawings because several figures had multiple lines appearing to point to the same thing. Thus, Applicants have amended Figures 2-6 to add arrow tips on the end of the lead lines for reference numeral “102” to indicate that they are referring to the whole nut; Applicants have amended Figures 2-6 to add arrow tips on the end of the lead lines for reference numeral “104” to indicate that they are referring to the whole cage; Applicants have amended Figures 8-12 to add arrow tips on the end of the lead lines for reference numeral “202” to indicate that they are referring to the whole nut; and Applicants have amended Figures 8-12 to add arrow tips on the end of the lead lines for reference numeral “204” to indicate that they are referring to the whole cage.

In accordance with 37 CFR 1.84, Applicants have attached hereto replacement pages 1-6, which incorporate the above-identified changes to figures 2-6 and 8-12. Replacement pages 1-6 are identified in the top margin as “Replacement Sheet” and include all of the figures appearing on the immediate prior version of the sheet.

The Examiner objected to Figure 3 because it showed cut line “6-6”, but cut line “6-6” was never used or explained. As explained above under the heading “Specification”, Applicants have amended the “Brief Description of the Drawings” to state that Figure 6 is a view taken along line 6-6 of Figure 3. Thus, the cut line “6-6” is now used and explained.

Claim Objections

The Examiner objected to claim 9. Applicants have cancelled claim 9 herein and, therefore, consider the objection to claim 9 as moot.

The Examiner objected to claim 11. Applicants have cancelled claim 11 herein and, therefore, consider the objection to claim 11 as moot.

The Examiner objected to claims 14 and 19 because the term “means for encaging” is not consistently used, as “encaging means” is sometimes used instead. Applicants have amended claims 14 and 19 to change all instances of “means for encaging” and “encaging means” to “cage member” and, therefore, now considers the objection to claims 14 and 19 as moot.

The Examiner objected to claims 3, 16 and 23 because it was not clear to the Examiner whether the protrusion or the corner is where the at least one sidewall meets the lower surface. Applicants have amended claims 3, 16 and 23 in order to clarify same for the Examiner.

Claim Rejections - 35 U.S.C. §102

Claims 1-5, 7-9 and 11-19 were rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,096,350 to Peterson. Independent claims 1 and 14 have been amended to further distinguish the claimed invention from that which is disclosed in the Peterson reference.

Applicants have cancelled claim 9 and therefore consider the rejection of claim 9 to be moot.

Applicants have cancelled claim 11 and therefore consider the rejection of claim 11 to be moot. Applicants have amended independent claim 1 to include the limitations of cancelled claim 11.

Applicants have cancelled claim 18 and therefore consider the rejection of claim 18 to be moot. Applicants have amended independent claim 14 to include the limitations of cancelled claim 18.

Independent claims 1 and 14, as amended, require that the at least one stand-off be

configured to be *embedded* in the cage member upon the nut member receiving the fastener.

According to Webster's New World College Dictionary, 3rd Ed., "embed" means "to set or fix firmly in a surrounding mass".

The Peterson reference clearly does not disclose or even suggest such a structure. The Peterson reference discloses a cage nut assembly having a nut (10) which is encaged within a cage (30). The Peterson reference further discloses a separating member which is interposed between the lower surface (25) of the base (22) of the nut (10) and the upper surface (33) of the base (32) of the cage (30). The separating member comprises at least one projection (54) extending between these surfaces and may comprise ridges, rings, detents or other separating projections, and further may be associated with the lower surface (26) of the base (22) of the nut (10), or the upper surface (33) of the base (32) of the cage (30), or it may preferably be associated with a shim (50) which is located between the lower surface (25) of the base (22) of the nut (10) and the upper surface (33) of the base (32) of the cage (30). The at least one projection (54) is described at Col. 4, lines 1-18 of the Peterson reference to be *flattenable* when the nut (10) receives the fastener.

Thus, the at least one projection (54) of the Peterson reference is not configured to be *embedded* within the cage (30) when the nut (10) receives the fastener, but rather is configured to be *flattened* against the cage (30) and/or nut(10) when the nut (10) receives the fastener. The at least one projection (54) is not set or fixed firmly in a surrounding mass, e.g., the cage (30).

Therefore, because the Peterson reference does not disclose or even suggest each of the limitations of independent claims 1 and 14, as amended, Applicants respectfully request reconsideration and allowance of independent claims 1 and 14, as amended.

As claims 2-5, 7-8 and 12-13 are all dependent upon independent claim 1, and

because Applicants state that independent claim 1, as amended, is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 2-5, 7-8 and 12-13.

As claims 15-17 and 19 are all dependent upon independent claim 14, and because Applicants state that independent claim 14, as amended, is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 2-5, 7-8 and 12-13.

Applicants note that further clarification amendments have been made to independent claims 1 and 14 and, as such, further clarification amendments have also been made to dependent claims 2-8, 10, 15-17 and 19 in view of the clarification amendments made to independent claims 1 and 14.

Claim Rejections - 35 U.S.C. §103

Claims 6 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,096,350 to Peterson. Applicants respectfully traverse this rejection.

As claims 6 and 10 are dependent upon independent claim 1, and because Applicants state that independent claim 1, as amended, is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 6 and 10.

Claims 20-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,096,350 to Peterson in view of United States Patent No. 5,137,406 to Cosenza. In pertinent part, the Examiner stated that the at least one protrusion of the nut member is embedded into the cage member and pointed to Figures 1, 3 and 4 to support this statement. Applicants respectfully traverses this rejection.

Independent claim 20 requires that the at least one stand-off be *embedded* into the

cage member. According to Webster's New World College Dictionary, 3rd Ed., "embed" means "to set or fix firmly in a surrounding mass".

The Peterson reference, conversely to the Examiner's contentions, clearly does not disclose or even suggest such a structure. The Peterson reference discloses a cage nut assembly having a nut (10) which is encaged within a cage (30). The Peterson reference further discloses a separating member which is interposed between the lower surface (25) of the base (22) of the nut (10) and the upper surface (33) of the base (32) of the cage (30). The separating member comprises at least one projection (54) extending between these surfaces and may comprise ridges, rings, detents or other separating projections, and further may be associated with the lower surface (26) of the base (22) of the nut (10), or the upper surface (33) of the base (32) of the cage (30), or it may preferably be associated with a shim (50) which is located between the lower surface (25) of the base (22) of the nut (10) and the upper surface (33) of the base (32) of the cage (30). The at least one projection (54) is described at Col. 4, lines 1-18 of the Peterson reference to be *flattenable* when the nut (10) receives the fastener.

Thus, the at least one projection (54) of the Peterson reference is not *embedded* into the cage (30), but rather is *flattened* against the cage (30) and/or nut(10) when the nut (10) receives the fastener. The at least one projection (54) is not set or fixed firmly in a surrounding mass, e.g., the cage (30).

Therefore, the Peterson reference does not disclose or even suggest the limitations of independent claim 20. The combination of the Cosenza reference to the Peterson reference does not add anything to the Peterson reference such that the combination of references also does not disclose or even suggest the limitations of independent claim 20. As such, Applicants respectfully request reconsideration and allowance of independent claim 20.

As claims 21-24 are all dependent upon independent claim 20, and because Applicants state that independent claim 20 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claims 21-24.

Applicants note that further clarification amendments have been made to independent claim 20 and, as such, further clarification amendments have also been made to dependent claims 23-24 in view of the clarification amendments made to independent claim 20.

Newly Added Claims

Claims 25-27 are newly added with claim 25 being dependent on independent claim 1, claim 26 being dependent on independent claim 14, and claim 27 being dependent on independent claim 20. Each of claims 25-27 require that the nut member be formed of a material which is harder than a material from which the cage member is formed, such that the at least one stand-off of the nut member may be embedded into the cage member.

As new claim 25 is dependent upon independent claim 1, and because Applicants state that independent claim 1 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 25.

As new claim 26 is dependent upon independent claim 14, and because Applicants state that independent claim 14 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 26.

As new claim 27 is dependent upon independent claim 20, and because Applicants state that independent claim 20 is in condition for allowance, Applicants respectfully request reconsideration and allowance of claim 27.

In view of the above Amendments and Remarks, Applicants respectfully submit that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Date: June 15, 2004

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